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**United States District Court Southern District of New York**

**Robert mercer**

**V**

**New York city housing authority**

**Complaint for Punitive damage for mental anguish and emotional distress, Declaratory relief and Compensatory damages**

1. Plaintiff Robert Mercer in support of his complaint against the defendant New York City housing authority here by States the following:
2. The plaintiff herein Robert Mercer is a resident of the state of New York and resides at New York City housing authority Saint Nicholas houses.
3. The defendant herein the New York City housing authority has a place of business in New York state defendant is engaged in the business as New York City housing authority.

**Jurisdiction and venue**

4. This court has specific jurisdiction to hear this case pursuant to the US Constitution's first amendment and pursuant to 28 USC 1331 and 42 USC 1983. As well as under the due process claim clause of the US Constitution because among other things the causes of action in this complaint arises from the defendant transacting business in this Commonwealth and causing tortious injury by an act of omission in this Commonwealth. Moreover, exercising jurisdiction would not offend traditional notions of fair play and substantial Justice because the defendant could have, indeed should have reasonably foreseen being held into a New York district Court to account for their negligence and Improper practice in policy and procedure.

**Nature of action**

5. Following the evidence provided in case 22-CV-3202 *Robert Mercer v New York City housing authority*, 3/17/22 an inspection for lead was conducted In Mr Mercer's apartment and the results of that lead inspection was a reading of 0.8 when in fact the New York state standard for lead paint poisoning threshold is 0.5. exhibit A.

6. 7/6/22 Mr Mercer received blood test results from a lab who tested Mr Mercer for lead in the blood and the results from that lead test came back as a 1.0 lead reading in Mr Mercer's bloodstream see exhibit B.
7. ~~As a direct result of nycha's negligence and improper practice in policy and procedure~~ Mr Mercer now has traces of lead toxin in his bloodstream which has caused and will continue to cause harmful side effects to Mr Mercer's current and future mental and physical health which deprives Mr Mercer the privileges of the quality of life, to be in accordance with 42 USC 1983. Mr Mercer now has to take medication to counteract the harmful side effects of being exposed to high levels of lead. As well as dealing with the mental burden of going back and forth to the hospital in hopes of managing his asthma caused by Mr Mercer's residential environmental hazardous conditions.
8. The symptoms of being exposed to high levels of lead has a direct and logical correlation to Mr Mercer's symptoms and conditions of asthma.
9. As a direct result of nycha's negligence and improper practice in policy, a violation of Mr Mercer's privileges to a good dwelling and a non hazardous environment were violated. In which has caused lead toxins to appear in Mr Mercer's blood. Depriving Mr Mercer a clean bill of health, and privileges to a quality of life were put to a stop.

### History

10. Lead in the blood has been known to cause inflammation, hyperresponsiveness, behavioral issues, learning disabilities, High blood pressure, joint and muscle pain, difficulties with memory or concentration, headache, abdominal pain, mood disorders, reduced sperm count and abnormal sperm, Irritability, Loss of appetite,
11. sluggishness, fatigue vomiting, constipation, hearing loss seizures, hyperactivity and insomnia.
12. Mr Mercer has lived as a nycha resident for the entirety of his life. Mr Mercer has been suffering with asthma since the age of 11.
13. In July of 2014 Mr Mercer was admitted to Harlem hospital's mental institution for a traumatic manic episode for the first time. In March of 2021 Mr Mercer was diagnosed with schizoaffective disorder. Mr Mercer has been hospitalized a number of times for asthma attacks, lung screenings, complaints about congestion and shortness of breath.
14. Moreover the symptoms of being exposed to high levels of lead has a direct and logical correlation to Mr Mercer's symptoms and conditions of asthma such as inflammation and congestion.

15. After the lead inspection was done nycha did not schedule an appointment to divulge the lead found in Mr Mercer's apartment. so with negligence and carelessness Mr Mercer was left to endure high levels of lead.

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~~16. As a direct result of Nychas negligence and improper practice in policy and failure to~~ divulge the lead in Mr Mercer's apartment, traces of lead were found in Mr Mercer's bloodstream see exhibit B in which clause from 42 USC 1983 would be appropriate because Mr Mercer now is deprived of the quality of life and was stripped of his privileges of the qualities of life.

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**Claim under 42 USC 1983**

17. As a direct result of nycha's negligence and improper practice of policies and procedures lead toxins appeared in Mr Mercer's bloodstream causing physical and mental damage for Mr Mercer, depriving Mr Mercer a good quality of life, to be in accordance with 42 usc 1983.

18. The hazardous conditions in Mr Mercer's residence caused a half-life for Mr Mercer and caused damage to Mr Mercer's physical and mental health. Mr Mercer was instructed by a housing representative to wear a mask inside of Mr Mercer's apartment to reduce the harmful side effects of lead dust, crack walls and mold spores, depriving Mr Mercer of a good quality of life, to be in accordance with 42 USC 1983.

**State a claim upon which relief may be granted**

19. As a result of nycha's negligence within their practices policies and procedures Mr Mercer now has lead toxin in his blood and has to battle a lead induced schizoaffective disorder and disease, which causes manic episodes, stress and mental anguish for the plaintiff as well as physical damage in relation to asthma, inflammation and congestion caused by lead dust and mold spores.

20. As a result of nycha's negligence Mr Mercer now has traces of lead in his blood that will continue to accumulate ultimately causing future health problems for Mr Mercer. Depriving Mr Mercer quality of life.

**Conclusion**

21. By reasons of the facts and circumstances and pursuant to the provision set forth in 42 USC 1983 wherefore the plaintiff's respectfully request that the court enter an award in the plaintiff's favor against the defendant as follows:

22. Awarding Mr Mercer compensatory damages of not less than \$55,000,000.00.

23. Awarding Mr Mercer punitive damages for mental anguish to the maximum extent permitted by the laws of this Commonwealth but not less then \$350,000.

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24. A civil penalty of \$30,000,000.00

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25. Declaratory relief.

26. such other and further relief as the courts deems appropriate.

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Date: 8/19/22

Robert Mercer

Sign: Robert Mercer



ex A

## ATTENTION BUILDING OWNERS AND LEAD ABATEMENT CONTRACTORS

### NEW LEAD-BASED PAINT STANDARDS

Pursuant to Local Law 66 of 2019, the New York City Department of Housing Preservation and Development (HPD) adopted a new citywide definition for lead-based paint (LBP) as shown below. Pursuant to section 173.14(b) of the New York City Health Code, these standards will apply to identify LBP hazards in all Department of Health and Mental Hygiene ("DOHMH" or "the Department") inspections.

The citywide standards for LBP are as follows:

	New Standards	Old Standards
Paint tested by an x-ray fluorescence analyzer or accurately measured paint chip sample	0.5 mg/cm <sup>2</sup>	1.0 mg/cm <sup>2</sup>
Paint chip sample that cannot be accurately measured or if an accurately measured paint chip sample cannot be removed	0.25 percent by weight	0.5 percent by weight

The standards apply to paint or other surface coating tested/analyzed by DOHMH on or after December 1, 2021, for all investigations conducted.

The standards also apply to evidence of lead content presented in a contestation of a DOHMH Commissioner's Order if the Order includes LBP violations tested by DOHMH on or after December 1, 2021.

Should you have any questions about the above requirements, please email questions to the DOHMH's Healthy Homes Program at [safework@health.nyc.gov](mailto:safework@health.nyc.gov) referencing "New lead-based paint standards." Please also provide your name and phone number with your inquiry.

Component	Latest Ref Rng & Units	7/6/2022
LEAD, BLOOD	See Below ug/dL	<1.0

ex B

To report lead 718-707-7771

REPORT NUMBER: WINR0146	SEMI-MONTHLY PUBLIC ASSISTANCE BUDGET CALCULATION	REPORT DATE: //
EFFECTIVE DATE OF BUDGET: 10/A/21	LOCAL OFFICE: D18 WORKER: WMCJT CASE NAME: MERCER ROBERT	PAGE: 1
CASE NUMBER: 000354065121	SUFFIX: 01 NUMBER IN PA HOUSEHOLD: 1	NUMBER IN PA SUFFIX: 1

  

NEEDS		EARNED INCOME	ALLOWED
185% TEST & POVERTY LEVEL TEST AMOUNT	D. GROSS		
79.00		ACTUAL	.00
107.50	STANDARD DEDUCTION		.00
7.05	55% DEDUCTION		.00
5.50	CHILD CARE		.00
.00	\$15 EXEMPTION		.00
.00	1/3 EXEMPTION		.00
.00	OTHER DEDUCTIONS (INCLUDES PRORATA REDUCTION AMT)		.00
.00	E. TOTAL DEDUCTIONS		.00
.00	F. NET EARNED INCOME	UNEARNED INCOME	.00
199.05		SOURCE	
368.25	185% X TOTAL NEEDS		.00
.00	TOTAL EARNED + UNEARNED FOR 185% TEST		.00
536.67	POVERTY LEVEL TEST		.00
.00	TOTAL INCOME FOR POVERTY LEVEL TEST		.00
.00	NEEDS REDUCTION DUE TO IVD SANCTION		.00
199.00	TOTAL NEEDS FOR NET INCOME TEST		.00
.00	NEEDS REDUCTION DUE TO PRORATA SANCTION		.00
199.00	TOTAL NEEDS FOR BUDGET DEFICIT CALCULATION		.00
	OTHER ALLOWANCES		.00
	REFRIGERATOR RENTAL ALLOWANCE		.00
		PA GRANT CALCULATION	199.00
			.00
			199.00
			.00
			199.00

  

NOTE: AMOUNTS SHOWN IN ITEMS (A) AND (D) ABOVE HAVE BEEN ROUNDED DOWN.

REPORT NUMBER: WINRUL54 (REV. 8/03)	SNAP BUDGET CALCULATION FOR PA & PA-SSI CASES	REPORT DATE: //
FILE NUMBER: 000354065121	WORKER: WMCJT CASE NAME: MERCER ROBERT	PAGE: 1
IMC: 018	NUMBER IN CASE: 1	EFFECTIVE DATE OF BUDGET: 10/8/21
BUDGET CALCULATION		
1. INCOME	E. SHELTER COSTS	
1.1. SEMI-MONTHLY GROSS EARNED INCOME	20. S/M ACTUAL RENT OR MORTGAGE BILLED TO HOUSEHOLD	107.50
2. NET S/M INCOME FROM BOARDER/LODGER	21. S/M COMBINED UTILITY/PHONE STANDARD	.00
3. TOTAL S/M INCOME (LINE 1 + 2)	22. S/M COMBINED HEAT/UTILITY/PHONE STANDARD	426.00
4. S/M PA GRANT	23. S/M PHONE STANDARD	.00
5. TOTAL S/M PA RECOUPMENT	24. OTHER S/M SHELTER EXPENSE, REAL ESTATE TAXES, INSURANCE, INSTALLATION OF UTILITIES, ETC.	.00
6. NET S/M PA GRANT (LINE 4 MINUS 5)	25. LINES 20 + 21 + 22 + 23 + 24	533.50
7. GROSS S/M OTHER UNEARNED INCOME	F. EXCESS SHELTER DEDUCTIONS	533.50
8. TOTAL S/M UNEARNED INCOME (LINES 6 + 7)	26. TOTAL SHELTER COST, E	55.25
9. S/M GROUP HOME EXCLUSION	27. 1/2 OF ADJUSTED INCOME, D	478.25
10. S/M CHILD SUPPORT EXCLUSION	28. EXCESS SHELTER COSTS. (LINES 26 MINUS 27) IF 26 IS LESS THAN 27, ZERO WILL APPEAR.	298.50
11. LINES 3 + 8 LESS LINES 9 + 10	29. MAXIMUM SHELTER DEDUCTION FOR AGED/DISABLED, OR AMOUNT FROM LINE 28. FOR ALL OTHERS, ACTUAL OR STANDARD, 298.50, WHICHEVER IS LESS.	110.50
12. 20% OF LINE 3	30. SEMI-MONTHLY SNAP NET INCOME	298.50
13. STANDARD DEDUCTION	31. F, EXCESS SHELTER DEDUCTION	.00
14. ALLOWABLE SEMI-MONTHLY CHILD-CARE/DEPENDENT CARE COSTS	32. S/M NET SNAP INCOME. (LINE 30 MINUS 31)	.00
15. ALLOWABLE S/M MEDICAL DEDUCTIONS	H. MONTHLY SNAP NET INCOME	.00
16. CHILD SUPPORT DEDUCTIONS	33. MULTIPLY AMOUNT IN 32 X 2	250.00
17. HOMELESS SHELTER DEDUCTION	I. BENEFIT ENTITLEMENT	.00
18. LINES 12 + 13 + 14 + 15 + 16 + 17	34. BENEFIT	250.00
19. ADJUSTED INCOME	35. MONTHLY SNAP RECOUPMENT	.00
20. A MINUS C	36. ADJUSTED BENEFIT AMOUNT (LINE 34 MINUS 35)	250.00

NOTE: REPORTER SERA TAMBIEN DISPONIBLE EN ESPANOL

BUDGET NUMBER: (BASIS)

FEDERAL SNAP: 250.00 STATE SNAP: .00